

Thursday 20th December, 1945.

(At 1030 hours the Court reassembles pursuant to adjournment, the same President and Members being present).

(The accused are again brought before the Court)

THE PRESIDENT: Will you tell the accused Sambol that the Court over-rules the submission made by the defending officer.

Will you translate this to the accused: the prosecution have now called all the evidence upon which they propose to rely. I am now going to explain to you what your rights are with regard to making your defence to this charge. There are three courses open to you. You may elect one of them and it is entirely a matter for you to say which of those courses you elect.

The courses are as follows. Firstly you may give evidence on oath as a witness if you wish to do so but you are not obliged to do so. If you do you will be sworn and you will be in the same position as any other witness. Anything said by you may be tested because you may be cross-examined on it by the prosecutor and you may be asked questions by the Court. Secondly, if you do not want to give evidence on oath you may make a statement to the court which is not on oath. In that case you will not be asked any questions by anybody at all. Thirdly, if you do not wish to give evidence on oath or to make a statement you may remain silent. In any event whatever you may decide to do you may call witnesses as to the facts of this matter or as to your previous good character. I should remind you that this Court, like any other Court, tends to give more weight to what is said before it on oath because that is liable to be tested whereas unsworn statements cannot be.

Will you ask each accused if he thoroughly understands that explanation?

(All the accused reply "Yes").

THE PRESIDENT: Erich Heyer, do you wish to give evidence yourself as a witness on oath?

THE ACCUSED HEYER: Yes.

THE PRESIDENT: Do you wish to call any other witnesses?

THE ACCUSED HEYER: If it is possible.

MAJOR STONE: No. The only two witnesses who will be called apart from the accused themselves are the wife of Kaufer and the wife of Braschoss.

THE PRESIDENT: Peter Koenen, do you wish to give evidence yourself as a witness on oath?

THE ACCUSED KOENEN: Yes.

THE PRESIDENT: Do you wish to call any witnesses in addition to your own evidence?

THE ACCUSED KOENEN: No, I do not know any.

THE PRESIDENT: Johann Braschoss, do you wish to give evidence as a witness on oath?

THE ACCUSED BRASCHOSS: Yes.

THE PRESIDENT: Do you wish to call any other evidence?

THE ACCUSED BRASCHOSS: Yes.

THE PRESIDENT: Major Stone, is that a witness as to character or as to fact?

MAJOR STONE: As to fact.

THE PRESIDENT: Karl Kaufer, do you wish to give evidence yourself as a witness on oath?

THE ACCUSED KAUFER: Yes.

THE PRESIDENT: Do you want to call any other witness?

THE ACCUSED KAUFER: Yes.

MAJOR STONE: He wishes to call his wife as to fact.

THE PRESIDENT: Franz Hartung, do you wish to give evidence yourself as a witness on oath?

THE ACCUSED HARTUNG: Yes.

THE PRESIDENT: Do you wish to call any other witness?

THE ACCUSED HARTUNG: Yes.

THE PRESIDENT: Would you like to speak to Major Stone.

THE ACCUSED HARTUNG: There were three witnesses who have not been called before and they seem to have appeared now.

THE PRESIDENT: Would you like to have an opportunity of speaking to him, Major Stone?

MAJOR STONE: Yes.

(The accused Hartung confers with the defending officer).

MAJOR STONE: He is speaking about witnesses whom you have already heard. He does not want any more.

THE PRESIDENT: I will put the question again. Franz Hartung; do you want to give evidence yourself as a witness on oath?

THE ACCUSED HARTUNG: Yes.

THE PRESIDENT: Do you want to call any other witness?

THE ACCUSED HARTUNG: No.

THE PRESIDENT: Hugo Boddenberg, do you want to give evidence as a witness yourself on oath?

THE ACCUSED BODDENBERG: Yes.

THE PRESIDENT: Do you want to call any other witnesses?

THE ACCUSED BODDENBERG: No.

THE PRESIDENT: Erich Sambol, do you wish to give evidence as a witness yourself on oath?

THE ACCUSED SAMBOL: Yes.

THE PRESIDENT: Do you wish to call any other witness?

THE ACCUSED SAMBOL: Yes.

MAJOR STONE: There is a witness as to character only.

THE PRESIDENT: Do you wish to make an opening address, Major Stone?

MAJOR STONE: I wish before calling the accused to give a brief outline of what each of them will say in their defence. I will take Sambol first. Sambol himself will deny that he struck the airmen at all and will explain to you his own reactions at the time which as he says were merely to shout abuse at them but to take no part in their mal-treatment.

Hartung will deny that he was any more than a mere spectator on the bridge; he will say that he only came to the bridge after all three airmen had been thrown over into the water, that he never touched any of them either in the way of hitting them or throwing them over the bridge into the valley.

Boddenberg will admit that he struck the airmen three or four times in a fit of temper but, having done so, he said to himself, "This is not a good thing to be doing" and he desisted from doing it and went away. When he struck the airmen there were then two airmen on the bridge, one having been already thrown over, and when he left the bridge there were still two airmen on the bridge alive.

Kaufer will tell you that he was there as a spectator, that he took no part whatever in striking the airmen or throwing them over and he will explain the incident of which you have heard yesterday of his trying to seize a rifle from a soldier by saying that he had protested to the soldier about what was being done on the bridge and the soldier had threatened either to shoot him with the rifle or to hit him with a rifle if he did not desist from his protests. The attempt to get the rifle from the soldier was an attempt to protect himself.

Braschoss was admittedly among the crowd and he was possibly even an active member of the crowd. He himself denies having beaten the airmen at all and he denies taking any part in throwing them over.

Koenen by his own admission was a member of the escort of German soldiers who took the prisoners to the bridge. He will tell you that his instructions were not to interfere with the civilians if the civilians attacked the airmen and that although he himself disapproved strongly of what was being done on that bridge, first of all he thought he had to obey his orders - you may regard that as an excuse or not - and secondly he himself even armed with a rifle felt powerless among a mob of some thirty or forty civilians enraged against these airmen and in the face of at least one other member of the German army armed as he was himself, who was also taking part in the illtreatment of the airmen.

Heyer admittedly had no active physical part in the killing of these men. He himself denies using any of the words attributed to him by the witnesses who you heard yesterday and the day before. He admits having told the escort that they were not to interfere if the civilians attacked the airmen. He said he did that pursuant to an order which he had received from above. It is an order, I must confess, of which I cannot produce any documentary proof.

That briefly is what the accused will tell you. I will now call Sambol.

MAJOR TAYLOR: I do not wish to interfere with my friend's defence at all but I submit that the accused should give evidence in the order in which they are charged on the indictment and in which they sit in the dock

MAJOR STONE: I am quite prepared to do that.

THE PRESIDENT: Major Stone, take them in the order in which it is most convenient to you to present your case.

MAJOR TAYLOR: Under protest, Sir.

THE LEGAL MEMBER: I am not quite sure whether he is now saying what Mrs. Lipsinski said or whether this is what he said in reply.

MAJOR STONE: He prefaced it by saying, "I replied." (To the witness) Did you or either of the women say anything more? A. No.

Q What did you do then? A. Then I slowly walked in the direction of my home. I turned my head to see where the soldiers were and saw in the Kruppstrasse that a civilian went up to the airmen.

Q During the time when you could see the airmen did you see anybody strike the airmen? A. No.

Q Did you yourself strike the airmen? A. No.

Q After you had left the airmen in the Kruppstrasse and gone home did you see them again? A. No.

Q Did you see a German officer either with or near the airmen? A. I saw him with the soldiers.

Q Was he close to the airmen? A. Yes.

Q Did you hear him say anything either to the German soldiers or to the German civilians? A. I heard him say something to the German soldiers.

Q And to the civilians? A. I did not hear that.

Q What did you hear him say to the soldiers? A. He called, "Forward, hurry up."

Q Do you know anything more about these airmen than you have already told the Court? A. Yes.

Q What is that? A. There were three airmen in airmen's dress. They had suits on with zips. The first airman was rather tall. He might be perhaps 1 metre 75 centimetres to 1 metre 80 centimetres tall. He had a fur jerkin under his arm. The second airman was smaller by about half to three quarters of a head. He was carrying a boot in his hand. The third airman seemed to have a head injury because his head was bandaged. They were escorted by two soldiers who were very close to them and an unteroffizier or a feldwebel who walked at the back of these other two soldiers and at the back of that came an officer. That is all.

Cross-examined by Major Tayleur.

Q Had your house been badly damaged in this raid? A. There was a bomb in our house between the first and second storeys and it was an unexploded bomb and the next day the charge was taken out of it.

Q So your house was not badly damaged? A. Yes, it was pretty much damaged not only by that bomb but by other bombs which fell in the neighbourhood.

Q Was any member of your family killed or injured? A. No, we were not at home when the attack came.

Q How far is your house from Krupps Works? A. About a quarter of an hours walk.

Q Essen was probably the chief armament manufacturing town in Germany, was it not? A. Yes.

Q Do not you consider that it was a perfectly legitimate objective for bombing? A. Yes.

Q Then why did you call these British airmen murderers of women and children if they were only bombing a perfectly legitimate objective ? A. I did not call them murderers.

THE LEGAL MEMBER: According to my note he said, "Look at our wives and children and our homes. This is not a war, it is a dirty business and beastliness."

MAJOR TAYLEUR: Why did you shout at the airmen in those circumstances? They were only doing their duty, were they not? A. These words were not precisely reflecting to the airmen but to things in general.

Q Were you in a temper at the time? A. About the same as the other people were at that time.

Q Were your feelings hostile towards these airmen ? A. No.

Q Are Frau Schmidt and Frau Lipsinski neighbours of yours? A. Frau Lipsinski had been working in my home and Frau Schmidt lives opposite to me at a distance of about thirty metres from my house.

Q Do you know any reason why they should say things against you which were not true ? A. No.

Q How do you account for the fact that they both say that you struck one of the airmen ? A. I simply cannot understand it at all and only on the 17th May I heard for the first time that I did beat one of these airmen.

Q Who did you hear that from ? A. On the 17th May I arrived here from Wurtemburg where I had taken my wife who was ill. In the evening when I unlocked the door of my house my neighbours told me "The police are looking for you." It is said that you have beaten an airman. Are you going to the police to report there." I went to the police and they told me, "We have nothing against you; you can go home." The next morning I met Frau Lipsinski at the place where we fetch water. She was accompanied by a certain Mr. Meyer. While Meyer was still there I asked "Did you see that I beat one of these airmen?" and she said, "I did not see anything."

Q Why did not you put that to Frau Lipsinski through your counsel when she was giving evidence yesterday? Why was not she cross-examined at all? A. I did not think about it.

MAJOR STONE: Would you like me to answer that?

MAJOR TAYLEUR: I do not think it is a matter for counsel to answer, it is a matter for this witness. (To the witness) You heard what Frau Lipsinski said yesterday, did not you ? A. Yes.

Q Did you see anybody strike any of the airmen at any time ? A. No.

Q Did you hear anyone shout any threats against them? A. No.

Q How long were they in your sight after they came out of the barracks? A. I saw them up to the entrance of Wickenburgstrasse.

Q That is where Mulheimerstrasse crosses over Kruppstrasse ? A. Yes. That is at the crossing of Mulheimerstrasse, Kruppstrasse and Wickenburgstrasse.

THE PRESIDENT: I think it is the period of time that you want, is it not?

MAJOR TAYLEUR: But it gives one some idea because we have seen where that cross-roads is. (To the witness) How long in time were they in your view? A. Perhaps half a minute to a minute.

Q How big a crowd of civilians was there by the airmen ? A. There was just the usual traffic in the street and in the neighbourhood of the airmen. I did not see any civilians at all; it was just the usual traffic going up and down the street.

Q Are you telling the Court there was not a crowd of civilians following the airmen ? A. I did not notice. The airmen were in the middle of the street and the rest of the traffic just followed its course.

Q Was one of the airmen walking without any shoes ? A. He only had one shoe on.

Q Do you recognise either the officer you referred to in Court or any of the escort ? A. Heyer and Koenen, but I did not know them at the time.

Q So according to you up to the time the airmen reached the entrance to Wickenburgstrasse it was a perfectly happy party and nobody was being unkind to anybody; is that right ? A. Up to Wickenburgstrasse everything was quite all right but near Wickenburgstrasse there was a large number of cars and people standing around and I could not see anything at all.

Q How far is it from the school where the Landeschutze Battalion was barracked to the cross-roads where Wickenburgstrasse starts ? A. It would be from 100 to 120 metres.

THE LEGAL MEMBER: Had you seen any Allied airmen before in Essen ? A. No.

Q They were a very unusual sight, were they ? A. It was not so unusual as all that; each day prisoners of war were taken away.

Q Had you seen any prisoners of war being taken away before ? A. I lived in one of the main streets and it very often happens that prisoners of war are taken past.

Q Are they usually marched past ? A. There were only very small numbers of them just walking in the streets and they were escorted by German soldiers.

Q Did not the crowd generally turn and look at these parties of prisoners ? A. It varied whether they were interested in these parties or not.

Q Were there many people in the street outside the barracks from which the airmen came on that morning ? A. It was quite normal traffic.

Q Will you explain what you mean by "normal traffic" ? Is it a crowded street, a deserted street, or what ? A. It is quite a lively street; it is a street where many people do their shopping.

Q Were you the only person in the street who stopped to look at the airmen ? A. As far as I know I was because I had to pass just there and I could not help seeing.

Q Frau Lipsinski said something rather different. She says that not only did you hit the airmen but there were others also who hit them ? A. I did not see. If that had happened I must have seen that myself.

Q You must have seen it if other people were beating the airmen; is that right ? A. Yes, I certainly should have seen it.

Q You shouted out at the airmen, did you ? A. I did not shout, I said it in a normal tone while they were just passing me.

Q To whom did you say the words ? A. To the people passing by.

Q You did not say it only to Frau Lipsinski and Frau Schmidt ? A. I was just in conversation with Frau Schmidt and what I said about the bombs and about our houses was just in the course of an ordinary conversation. While I was speaking to Frau Schmidt the airmen were passing and they had passed before I had finished my conversation.

Q You said you said it to the people passing by just now ? A. What I said about our wives and children I said to the passers by. It is just a way of how things go, you just say something.

Q Did you say it loud enough for passers by to hear then ? A. No, the passers by would not have heard it.

Q Was the temper in Essen angry that morning ? A. The people were rather nervous but they really were not aggressive; I did not notice that they were aggressive.

THE PRESIDENT: When did the unexploded bomb fall on your house ? A. In the evening at about ten o'clock.

Q Which evening ? A. It would be the 12th December.

Q How far is your house away from the bridge ? A. About ten minutes walk.

Q Was there much damage done on the night of 12th December round about the area of the bridge ? A. Yes.

THE LEGAL MEMBER: You have said you were looking for material to mend your home that morning; is that right ? A. Yes; I was looking among the ruins of other houses to see if I could get anything.

Q Did you succeed in getting anything ? A. No.

THE PRESIDENT: Do you wish to ask any questions arising out of that ?

MAJOR TAYLEUR: No.

MAJOR STONE: No.

(The accused, Sembol, leaves the place from which he has given his evidence)

(At 1140 hours the Court is closed)

(At 1150 hours the Court is re-opened).

(The accused are again brought before the Court).

THE LEGAL MEMBER: Will you explain to the accused that it is proposed to use Herr Von Klein Weissenburg as an additional interpreter and ask them if they have any objection. Tell them that I understand he is the official interpreter at the summary court.

(All the accused reply that they have no objection).

(Herr Von Klein Weissenburg is duly sworn as interpreter).

THE ACCUSED FRANZ HARTUNG takes his place at the witness stand and, having been duly sworn, is examined by Major Stone through the interpreter as follows:-

Q Is your name Franz Hartung ? A. Yes.

Q How old are you ? A. Fifty.

Q Do you remember the 13th December, 1944 ? A. Yes.

Q What were you doing in the early part of that morning ? A. I was doing some repair work on my house.

Q Why were you repairing your house ? A. It had been damaged by the air-raid on the evening before.

Q Were you using any tools in your work? A. Yes.

Q What? A. A hammer and a saw.

Q Do you know the Wickenburg Bridge? A. Yes.

Q Can you see it from your house? A. Yes.

Q Did you see anything happening on the bridge that morning? A. No, not there.

Q Did you hear anything? A. From my lodgings I could not hear anything.

Q Did you at any time go to the bridge on that morning? A. Yes.

Q Why did you go to the bridge? A. Because passers by told me there was something going on on the bridge.

Q As a result of being told that you went to the bridge yourself? A. Yes.

Q What did you find when you got there? A. When I arrived at the bridge I saw a lot of people.

Q What sort of people were they? A. Civilians who went to or came from work.

Q Anyone else? A. I did not see anyone else.

Q Did you see any German soldiers on the bridge? A. No.

Q Did you see any Allied airmen on the bridge? A. Also not.

Q What were all the people doing on the bridge when you got there? A. When I arrived the people were very angry and were cursing and swearing.

Q What were they cursing and swearing about? A. Something had happened to the Allied airmen.

Q Do you know what had happened to the Allied airmen? A. I do not know.

Q When you went to the bridge, had you anything in your hand? A. Yes.

Q What was that? A. My hammer.

Q Why did you have your hammer in your hand? A. Because I was working at my front door on the street.

Q And you carried your hammer with you? A. Yes.

Q Did you see among the civilians on the bridge anybody that you knew? A. Yes.

Q Who did you see there? A. Frau Fricke.

Q Anybody else? A. On the bridge I further saw Kaufer and Hartmann.

Q Did you see Agness Hartmann on the bridge? A. No.

Q Did you see Kaufer doing anything on the bridge? A. No.

Q Did you at any time when you were on the bridge have in your hand a rubber truncheon? A. No.

Q While you were on the bridge did you hit anybody with your hammer? A. No.

Q Did you look over either side of the bridge while you were there? A. No.

Q Did you in going to or from the bridge see anything below the bridge on the ground ? A. That was about three quarters of an hour later when I went to the factory to excuse myself for being late.

Q What did you see then ? A. Some wound dressing was lying below the bridge.

Q Did you see any bodies lying below the bridge? A. No.

Q Either then or at any time before ? A. I saw no bodies on the bridge or below the bridge.

Q How long were you on the bridge the first time you went to it? A. Three minutes.

Q During that time do you say you saw neither German soldiers nor Allied airmen ? A. No, I did not see any.

Cross-examined by Major Tayleur.

Q How far is your house from the bridge ? A. As the crow flies about 150 metres.

Q Can you see the bridge from your house ? A. Yes.

Q Was your house damaged in the raid the night before ? A. Yes.

Q Badly ? A. Yes, the roof, doors and windows.

Q Whereabouts were you working to repair it on the morning of the 13th ? A. At that time I was working in the street on my front door.

Q From that point, could you see the bridge ? A. Very badly.

Q Could you see it or could you not see it ? A. No; there is a hedge in front of my house.

Q Apart from the hedge was there any reason why you could not see the bridge ? A. There is another house in front.

Q Then what did you mean by saying you could see it very badly? A. I could not exactly see what I wanted to see or what I would have liked to see, a direct view.

Q What would you have liked to have seen ? A. What happened on the bridge.

Q Why would you have liked to have seen that ? A. I did not want to see anything special, I only wanted to see what was happening on the bridge or to know what was going on on the bridge.

Q What was the first intimation to you that something was going on on the bridge ? A. When passers by passed my house and said there is something going on on the bridge.

Q Did you hear any shots fired ? A. When I was back home I heard one shot.

Q What do you mean by "When I was back home" ? Was that before you had been to the bridge or afterwards ? A. After I returned from the bridge.

Q Before you went to the bridge did you hear any shots ? A. No.

Q Did you hear only one shot when you came back ? A. When I was back home I only heard one shot.

Q When you went to the bridge did you ask anyone what had been happening? A. When I arrived at the bridge I asked "What has been going on here?"

Q Of whom did you ask that? A. People who were passing the bridge or who were standing around.

Q Did you ask either Hartmann or Kaufer? A. No. Hartmann and Kaufer were standing on the bridge and I was standing at the beginning of the bridge.

Q If the matter was of sufficient interest to you to walk 150 metres from your house to the bridge, was not it of sufficient interest to you to look over the bridge? A. No.

Q Did you ask anyone what had become of the bodies? A. No.

Q Did you go back to see what had caused the shot which you heard? A. I did not return where I had been, I only went later to the factory to excuse myself for being late.

Q Were not you interested to know what the shot was? A. No.

Q Were shots so common in Essen then that they aroused no interest? A. Sometimes shots were fired owing to aeroplanes.

Q Were there any aeroplanes then? A. The night before.

Q I mean when the shot was fired? A. No.

Q Why did you bring your hammer with you to the bridge? A. Because I was just working in the street and I did not want to leave the hammer lying around.

Q Would not it have been simpler to leave it in the house you were working on than to take it 150 yards to the bridge? A. Yes, to-day I think it would have been better if I had done so and then I would not have been suspected.

Q The suspicion against you does not rest solely on you bringing that hammer. Do you know Agnes Hartmann? A. Yes.

Q Did you hear her say yesterday that she saw you beating an airman with a rubber stick? A. Yes.

Q Why do you suppose she said that if it was not true? A. That I cannot say. I was speechless when I heard that I was involved in this and that it was alleged I had hit or struck somebody.

Q So what you are telling the Court is, is it, that you never saw the airmen at all? A. No.

Q That you never heard a single shot before you went to the bridge the first time? A. No.

Q And that having got to the bridge you never took the trouble to find out what had happened to the airmen? A. I only asked what one had done with those airmen.

Q And having been told they had been thrown over the bridge you never even bothered to look over to see if you could see their bodies? A. No.

Re-examined by Major Stone.

Q Do you like looking at dead bodies? A. No.

Q Did you look towards the bridge at all before you were told by passers by that something was going on there? A. I only went down and I did not know what was going on on the bridge.

Q Did you look towards the bridge from your house before you were told by the passers by that something was happening on the bridge? A. No.

Q What were you looking at then? A. When people passed my house and told me something was going on on the bridge then I went to the bridge myself.

Q What were you looking at before people told you something was going on on the bridge? A. I was looking towards the bridge.

Q Did you see Agness Hartmann in Court yesterday? A. Yes.

Q Did Agness Hartmann recognise you in Court yesterday? A. Yes, probably.

Q Where did she stand when she recognised you? A. I think she went over there. (indicating well of Court).

Q Do you remember how close she stood to you when she recognised you? A. Perhaps five metres.

THE LEGAL MEMBER: Your house was damaged by the air-raid on the night before; is that right? A. Yes.

Q Is it right that your front door was damaged? A. Yes.

Q Was any other part of your house damaged? A. Windows and roof.

Q Was the roof badly damaged? A. Towards the garden the roof was very badly damaged.

Q So badly damaged that the rain might have come in? A. Yes.

Q Did you take any steps to repair the roof? A. Yes.

Q On that morning? A. After I returned from the factory, and I was on the roof at 7 a.m. to have a look.

Q Were you on night work? A. No, I was in the air-raid shelter.

Q Did you say that you started to repair the roof after you came back from the factory? A. Yes.

Q Was that at 7 o'clock in the morning? A. After midday.

Q Did you say that you were on the roof at 7 o'clock in the morning? A. Only to have a look how badly the roof was damaged.

Q Can you see the bridge from the roof? A. Yes; when I am on the roof I can see it very well.

Q Were you not at all on the roof between 7 o'clock in the morning and after you came back from the factory? A. No.

Q Was the front door the only thing that you were repairing during the morning? A. I also did some repairs to the windows.

Q While you were doing any of those other repairs did you see anything that was happening on the bridge? A. No.

Q Which side of the bridge is your house? A. Heimerdunck; on the right side from Kruppstrasse.

Q Is it on the Kruppstrasse side of the stream or on the other side of the stream? A. On the other side.

Q You said to your defending officer just now that before the passers by told you something was happening on the bridge you were looking towards the bridge. Is that right? A. When I wanted to try and see something but I could not see anything; I was not able to do so.

Q Why were you looking to see if you could see something ? A. One does that when one works on the front door, one gives an occasional glance towards the bridge.

Q What did you expect to see on the bridge when you gave these occasional glances in that direction? A. I thought that there might be foreigners who had been in the cellars to steal which happened often after air-raids.

Q Why did you expect to see foreigners on the bridge rather than anywhere else? A. Near the bridge there was a camp for Italians.

Q Was it well known among the people in your neighbourhood that Allied airmen had been taken prisoner? A. No. I did not know anything about it.

Q Can you hear what goes on at the bridge from your house? A. No, not very well.

THE PRESIDENT: When you were at your house you say passers-by told you that there was something going on at the bridge ? A. Yes.

Q What did they say? A. They did not know themselves what was going on.

Q What did they say? A. The passers-by said there was a gathering of people, something must have happened and we went to have a look.

THE PRESIDENT: Do you wish to ask any questions arising out of that ?

MAJOR TAYLOR : No.

MAJOR STONE: No.

(The accused Franz Hartung leaves the place from which he has given his evidence).

THE ACCUSED HUGO BODDENBERG takes his stand at the witness stand and, having been duly sworn, is examined by Major Stone through the interpreter as follows:-

Q Is your name Hugo Boddenberg ? A. Yes.

Q How old are you? A. Thirty six years.

Q Do you remember the morning of the 13th December, 1944 ? A. Yes.

Q What were you doing on that morning about ten o'clock ? A. I returned from work and I wanted to go home.

Q Do you know the Wickenburg Bridge? A. Yes, I must pass that bridge.

Q You must pass it to go from your work to your home? A. Yes.

Q When you reached the bridge on that morning did you find anything happening there? A. Yes.

Q What did you find happening there ? A. There were a lot of people on the bridge. I walked on to the bridge and when I reached about the first quarter of the bridge on the left side some civilians were standing around and were looking over the parapet.

Q What were they looking at? A. I also looked over the bridge and I saw below an Allied soldier lying.

Q Do you know whether he was dead or alive? A. I thought he was dead.

Q Did you see any other Allied airmen on the bridge? A. Yes.

Q Where were they? A. About the last quarter of the bridge on the right hand side.

Q Was anything happening to them? A. Yes.

Q What? A. A lot of civilians were standing there and they were striking or hitting the airmen.

Q Did you recognise any of the civilians who were hitting them? A. No.

Q How far from the bridge do you live? A. Fifty five to sixty minutes walk.

Q Do you know any of the people who live near the bridge? A. No.

Q Did you see any German soldiers on the bridge? A. Yes.

Q How many? A. Possibly three or four.

Q What were they doing? A. One non-commissioned officer with a rifle was standing immediately in front of an Allied airman.

Q Do you remember any others? A. There was also a flak soldier or a non-commissioned officer; I do not know exactly, one of the two.

Q Did you see any private infantry soldiers? A. One private infantry soldier; he was standing a bit further away.

Q Have you seen him since? A. Not until the day when I was arrested.

Q Is he one of your fellow accused? A. Yes.

Q Which is he? A. The second. (Indicating the accused Koenen). I do not know him from last year.

Q Did you notice on the bridge whether he was doing anything or not? A. No.

Q When you saw the crowd of civilians beating the two airmen what did you do yourself? A. I was very excited that morning and I went over to the right side, took my belt off and also struck about two to three times.

Q Did you strike them with the buckle or with the leather end of your belt? A. I did not strike with the buckle.

Q Did you hit them very hard? A. No.

Q How many times did you hit them? A. Perhaps two to three times. I do not even know whether I hit them or not.

Q Do you mean you struck at them but you are not sure whether you hit them or not? A. There were too many people in front of the airmen; at least four or five people were standing in front of me.

Q Why did you stop striking at them? A. Because I found out that ^{what} I was doing was not right.

Q So what did you do then? A. Then I went on the other side of the bridge and I saw a female acquaintance.

Q Who was that? A. That was the woman who gave evidence against me yesterday morning, Mrs. Jansen.

Q Did you speak to her? A. I went home together with her. On the way home we of course spoke together but I cannot remember what we spoke about.

Q You have told us that one airman was lying probably dead on the bank when you arrived? A. I thought that he was dead and later it was confirmed that he was dead.

Q Where were the other two when you left the bridge? A. When I left the bridge I do not know whether they were still on the bridge or below.

Q Were they still on the bridge when you stopped striking at them and went over to Mrs. Jansen? A. Yes.

Q Were they still alive? A. Yes.

Q And conscious? A. Yes.

Q Did you hear any shots when you were on the bridge? A. Not on the bridge but when I had left the bridge after a short distance.

Q Do you know who fired them? A. No.

Cross-examined by Major Tayleur.

Q Was your home damaged in the raid on the night of the 12th? A. No, but my lodgings were burnt out on the 24th October.

Q If your home was not damaged in the raid on the 12th, why did you attack the airmen? A. I was very excited at that moment and I was thinking about everything.

Q When you first got on to the bridge before you hit at the airmen you saw that one was lying under the bridge apparently dead, did you? A. Yes, I thought that he was dead.

Q How did you think he got under the bridge? A. In the first moment I did not think how he got under the bridge.

Q When did you realise that? A. After I had seen that the others were beaten and after I had gone over to Mrs. Jansen I was told by Mrs. Jansen that that airman was thrown or flung over the bridge, that he tried to escape and was shot at and then was thrown over the parapet by civilians.

Q Did it not occur to you that by joining in the attack on this other airman it was more likely that he would be killed too? A. In the first moment not, when I was excited, but later yes when I thought about what I had been doing.

Q Would it be true to say that you lost your temper and went for him regardless of the consequences? A. No.

Q Why not? A. For thirteen and a half years I was a sailor and I have seen many foreign countries, I had no bad experience abroad, also not with Englishmen.

Q Then why did you go for this Englishman? A. In the first moment when I was excited.

Q And at that moment you hit him regardless of whatever happened? A. Yes, without thinking what might happen.

Q Had you heard any shots before you reached the bridge? A. Yes.

Q You heard shots and then you saw the dead body of one of the airmen? A. Yes, but the shooting must have occurred earlier.

Q Why? A. Because when I was of the same height as the brick factory I heard the shot.

Q Did you see one of the other airmen being thrown over the bridge? A. No.

Q At no time? A. No. I had my back turned towards the other airmen.

Q Do you remember making a statement to a British officer on the 6th November? A. I made a statement on the 6th November and another one about a fortnight later which I drew up in writing myself.

Q Will you look at that statement? (handed). Is that your signature ?
A. Yes.

MAJOR STONE: May I see that ? I have never seen it.

THE PRESIDENT: Have you not got a copy of it ?

MAJOR STONE: No.

MAJOR TAYLOR: When I have finished with it I shall be perfectly prepared to hand it to the defending officer. (To the witness) In that statement did you say: "I went across the bridge and was about twenty metres past it when I heard shouting and turned round and saw a number of people throw an airman over the parapet. This was on the side opposite to the place where I saw the first airman." ? A. In the first statement I did not admit that I had beaten the airman. In the second statement I admitted that I hit or struck an airman.

Q What I want to know is why you said in the statement of 6th November that you saw one of the airmen being thrown over the bridge and why you deny it to-day ? Which is true? A. The statement a fortnight later of the 24th or 26th November, that is true.

Q Then why did you swear to the fact that you saw one of the airmen thrown over the bridge if you did not ?

THE LEGAL MEMBER: Have you any proof that the statement was sworn?

MAJOR TAYLOR: The statement says that it was sworn. (To the witness). Did you make the statement of 6th November on oath ? A. I cannot say that; it is too long ago.

Q Why did you say in your statement of 6th November that you saw an airman thrown over the bridge if you did not ? A. Because then I was in doubt, I had doubts.

Q How could you possibly have a doubt as to whether you had seen an airman thrown over the bridge or not ? A. I did not know whether anyone had seen me beating the airman and then I thought the whole thing over and in the second statement I admitted everything.

Q How would it help you to say that you did see an airman thrown over the bridge if you had not ? A. I wanted to have an alibi because then I had already left the bridge.

Q To sum the matter up, did you or did you not see an airman thrown over the bridge at any time? A. No, never.

||(Statement by Hugo Boddenberg dated 6th November 1945 is marked "C" signed by the President and attached to the proceedings).

Q Were the crowd who were attacking the two airmen shouting ? A. Yes, there were some people shouting.

Q What were they shouting ? A. "Kill them; throw them over the bridge."

Q So you knew at the time that you attacked these airmen that the crowd had the intention of killing them by throwing them over the bridge or in some other way? A. To kill, yes, but not to throw over the bridge.

Q And knowing that the crowd were threatening to kill these airmen you joined in the attack on them ? A. That was before; after I had stopped beating, then I heard the crowd shouting.

Q Do you say there were no shouts of "Kill them" or "Throw them over the bridge" before you attacked them ? A. No.

Q Do you think your attack may have incited the crowd to do so? A. No.

Q It added fuel to the fire, did it not? A. Maybe, but I do not want to say so.

Q Will you agree that the more people who attacked the airmen the uglier the mood of the crowd would grow ? A. I do not think so.

Q Why not? A. The crowd was very excited when I arrived on the bridge.

Re-examined by Major Stone.

Q Had you any intention yourself of killing either of the two airmen ? A. No.

Q Had you any intention yourself of inciting anybody else to kill them? A. No.

(At 1300 hours the Court is closed)

-(At 1430 hours the Court re-opens)

(The accused are again brought before the Court and the accused Hugo Boddenberg again takes his place in the witness stand).

THE LEGAL MEMBER: Do you say that the first time you saw the crowd of people round the airmen was on the bridge ? A. Yes.

Q Do you remember the witness Frau Jansen giving evidence yesterday ? A. Yes.

Q Do you remember that she said that she was going home and she followed the crowd because it was on her way home ? A. Yes.

Q Do you remember that she said that the crowd went in the direction of the Wickenburg bridge ? A. Yes.

Q And that she said that she recognised you as one of the civilians in the crowd ?, A. No.

Q She said that you went on to the bridge with the crowd ? A. No.

THE LEGAL MEMBER: Will the shorthand writer read the relevant passage from the evidence of Frau Jansen.

(The shorthand writer reads an extract from the evidence of Frau Jansen appearing on pages 46 and 47 of the first volume of this transcript from the question: "Did you see a crowd passing the road junction just in front of you?" to the words: "(Cross-examined by Major Stone) (Q) Was it on the bridge that Boddenberg was beating the airmen with his belt ? (A) Yes.")

THE LEGAL MEMBER: Interpreter, will you explain to the Accused that it appears from the shorthand note that Frau Jansen did say that she saw him before she got to the bridge, and ask him what he says about that.

A. Yes, but not near the airmen; before I went on the bridge I relieved myself.

Q Have you an entirely clear memory of what did happen ? A. Yes.

Q Was it a large crowd of people round the airmen ? A. To my estimation about 50 or 60 people who were on the bridge.

Q Were they all crowding round the airmen ? A. Two airmen were on the right-hand side on the parapet of the bridge and the civilians were standing around closing in on them.

Q Were the civilians trying to beat the airmen ? A. Yes.

Q And you joined in ? A. When I came on to the bridge and I saw one airman lying on the left side I crossed over to the right side and I struck two or three times.

Q You say you did see an airman on the left side ?
A. The one who was already dead was lying below.

Q By the bank of the stream ? A. On the middle. That was not the spot that the witness Giese pointed out yesterday; it was on the other side.

THE PRESIDENT: Do you wish to ask any questions arising out of that, Major Tayleur ?

MAJOR TAYLEUR: Did you approach the bridge from the side where the Mulheimerstrasse goes or the other side ? A. I came from Mulheimerstrasse over Kruppstrasse to Wickenburgstrasse.

Q And you say you saw this body lying on the left-hand side looking from Mulheimerstrasse ? A. On the left-hand side coming from Mulheimerstrasse.

Q And that was the only one who had been thrown over then ? A. Yes.

THE PRESIDENT: Major Stone, do you wish to ask anything ?

MAJOR STONE: No.

(The Accused Boddenberg leaves the place from which he has given evidence.)

THE ACCUSED KARL KAUFER takes his place at the witness-stand, and, having been duly sworn, is examined by Major STONE through the interpreter as follows :-

Q Is your name Karl Kaufer ? A. Yes.

Q How old are you ? A. 38.

Q Do you remember the morning of the 13th December 1944 ? A. Yes.

Q Where were you in the early part of that morning ? A. I was first at my lodgings in the Kastlosstrasse (?).

Q Did you later leave your house ? A. Yes.

Q Why ? A. I went to the house of my parents.

Q Where did you go from there ? A. I stayed with my parents.

Q Presumably you left your parents' house at some time. Where did you go from there ? A. No, I did not leave the house, I worked there.

Q Do you know the Wickenburg bridge ? A. Yes.

Q Did anything peculiar happen on the Wickenburg bridge on the 13th December 1944 ? A. Yes.

Q Were you on the bridge yourself on that day ? A. Yes.

Q Why did you go to the bridge ? A. My mother called me and said to me: "Go to the bridge, something is happening there".

Q Before your mother spoke to you had you seen or heard anything of what was happening on the bridge ? A. No.

Q When you reached the bridge what did you find happening there ?
A. There was a big crowd standing on the bridge.

Q Of what did this crowd consist ? A. Civilians, and at the side of the crowd were stood three German soldiers.

Q Was there anybody else ? A. And at the parapet of the bridge I saw three Allied airmen.

Q What were the German soldiers doing ? A. I heard one of the German soldiers shouting: "Throw them over the bridge".

Q Do you know which soldier it was who said that ? Was he an unteroffizier ?
A. It was a non-commissioned officer.

Q What were the civilians doing when you arrived on the bridge ?
A. They were very excited.

Q What were they doing ? A. I did not see that the airmen were beaten.

Q I did not ask you what you did not see. Were the civilians doing anything ?
A. I heard civilians shouting: "This is not right, that they are doing that".

Q Were any civilians shouting: "Throw them over the bridge" ?
A. That I did not hear.

Q Did you see any of the civilians obey the German soldier when he shouted: "Throw them over the bridge" ? A. No.

Q When you heard the German soldier say that did you do anything yourself ?
A. Then I approached this non-commissioned officer and I said to him: "Take the airmen where you are supposed to take them, to the camp, and do not throw them over the bridge".

Q What happened then ? A. Then the non-commissioned officer approached me and said to me: "If you swine do not get away and are in agreement with them - probably the Allies or the people who say this is not right - I will shoot you down". Then he hit me with the butt of his rifle across my knee.

Q The soldier hit you with his rifle ? A. With the butt across my knee.

Q What did you do then ? A. The soldier obviously wanted to hit me again, and then I got hold of the barrel of the rifle and I was not struck again.

Q When you tried to seize the rifle from the soldier had you any intention of using it to shoot at the airmen ? A. No.

Q When you went down on to the bridge did you go alone ? A. My wife was with me.

Q Were you close to your wife all the time you were on the bridge ?
A. I presume that my wife was close to me.

Q Did you see any of the civilians in the crowd striking the airmen at any time when you were on the bridge ? A. No.

Q Did you see any civilians throw any of the airmen over the bridge ? A. Yes.

Q Was it somebody you recognised ? A. No.

Q How many airmen did you see thrown over the bridge ? A. One.

Q What happened to him ? A. They threw him over the bridge.

Q How was he thrown over the bridge ? A. A soldier and a civilians ran to these airmen, but as far as I could see only the civilian threw the airman over the bridge.

Q When you were on the bridge did you hear any shots fired ? A. Yes.

Q Did you see them fired ? A. Yes, I saw several.

Q Do you know who fired these shots ? A. It was also a soldier.

Q Can you describe the soldier who fired them ? A. Middle sized.

Q Was he a private soldier or a non-commissioned officer ? A. I think it was a non-commissioned officer.

Q Where did he fire these shots ? A. On the bridge.

Q What was he firing at ? A. Firing at the two bodies lying in the stream.

Q You say he was firing at two bodies in the stream; how did the other one come to be below the bridge ? A. The two airmen on the right-hand side of the bridge were also thrown over the bridge, but I did not see how they were thrown over the bridge.

Q Besides your wife did you see anybody on the bridge whom you knew ? A. Braschoss.

Q What was he doing on the bridge ? A. He was just walking over the bridge.

Q How long did you stay on the bridge yourself ? A. Seven to eight minutes.

Q When you went away had all the airmen been thrown over by then ? A. Yes.

Q Why did you go away from the bridge ? A. My wife said to me: "Come along home with me, you might be arrested".

Q Did you go home with her ? A. Yes.

Q Of the other six people who are accused with you, in addition to Braschoss did you see any one on the bridge at the same time ? A. Hartung.

Q What was Hartung doing on the bridge ? A. I did not see Hartung on the bridge; Hartung was standing before the bridge.

Q Did you yourself take any part in striking the airmen ? A. No.

Q Or in throwing them over the bridge ? A. No.

Cross-examined by Major TAYLOR.

Q When did you see Hartung on the bridge ? A. I think when I was on the bridge and was looking back.

Q Was that before or after the airmen had been thrown over ? A. Certainly it was quite definitely afterwards.

Q Did you see Braschoss before or afterwards ? A. Also afterwards.

Q How long did you stay on the bridge after they had been thrown over ? A. Five minutes.

Q Why ? A. Because I wanted to interfere after the non-commissioned officer had shot at the bodies lying in the stream.

Q Is your eyesight good ? A. Yes, fairly good.

Q You tell the Court that during the whole seven minutes or so you were on the

bridge you did not see a single civilian strike one of the airmen ? A. No.

Q How high would you say the parapet of the bridge was ?
A. 110 centimetres.

Q Are you telling the Court that one civilian by himself was able to throw an airman over that parapet ? A. Yes, the airman was small and the civilian was a very tall and strong man.

Q How did he throw him over ? A. It was so quick that I do not know.

Q Was there a crowd round at the time ? A. No.

Q There was not ? A. No.

Q How close were you ? A. 50 metres away.

Q Are you telling the Court that you were 50 metres away when the man was thrown over the bridge and that there was no crowd there ? Remember that you are on your oath. A. That was the airman who had tried to run away; there was no crowd standing around.

Q What happened to the other two airmen ? A. They were also thrown over the bridge.

Q Did you see that ? A. No, I did not see that.

Q How did it come that you were on the bridge and yet you did not see it ? A. Because there was a crowd around the two airmen and I was not amongst the crowd.

Q Were none of that crowd beating the airman ? A. That I did not see.

Q Were you watching ? A. I spoke to the non-commissioned officer.

Q What was the non-commissioned officer doing ? A. The non-commissioned officer threatened me, he said he would shoot me if I did not get away.

Q According to you you were not anywhere near the airmen ? A. No.

Q Then why should he tell you to get away if you were not near the airmen ? A. Because the non-commissioned officer had said: "Throw them over the parapet".

Q Did you hear Fritz Conradshaus give evidence yesterday ? A. Yes.

Q Did you hear him say that you were beating the airmen ? A. I did not hear that.

Q Is your hearing good as well as your eyesight ? A. Fairly well.

MAJOR STONE: May we check what Conradshaus said ?

MAJOR TAYLEUR: That was the witness who was treated as hostile and I put his statement to him and he agreed it was correct.

THE LEGAL MEMBER: Will the shorthand writer read his note of that evidence.

(The shorthand writer reads the following extracts from the evidence of Fritz Conradshaus (pages 17-18 of the first volume of this transcript): "(Major Tayleur): Fritz Conradshaus, do you remember making a sworn statement to a British officer in July?", etc. (reading to the words) "(Q) Then it is correct, is it, that amongst the crowd who were on the bridge fighting with the soldiers were Braschoss and Kaufer ? (A) Yes." (pages 20-21): "(Major Stone) What did you see Kaufer doing on the bridge?", etc. (reading to the words) "(A) I am sure Kaufer

wanted the rifle to shoot the soldier because I warned Kaufer beforehand that if he did so things would come to a bad end.")

MAJOR TAYLEUR: Did you personally strike the airmen at all ? A. No.

Q Had you any animosity against them ? A. No.

Q Do you remember Fritz Conradshause describing the incident in which you tried to take the rifle from the unteroffizier ? A. Yes.

Q Is that the incident you have explained just now ? A. No, there was one incident before and one later when I tried to do something for the airmen.

Q What did you try to do for the airmen later ? A. When I saw that he was shooting I said: "Do not do that, do not shoot", and at the same time I got hold of the rifle.

Q What happened then ? A. The non-commissioned officer refused and then I left the bridge.

Q Why did you leave the bridge ? A. Because my wife said to me: "Come, let us go home, you might be arrested".

Q Did you hear Fritz Conradshaus say that you asked for the rifle to shoot the airmen in the stream ? A. Yes.

Q Is that true ? A. I heard that.

Q Is it true that you did ask for the rifle for that purpose ? A. No.

Q Why should Conradshaus say that if it was not true ? A. I do not know.

Q Did you hear Annemarie Conradshaus say that she saw you striking the airmen ? A. Yes.

Q Has she any reason to say anything against you which was not true ? A. She is under the influence of her father.

Q Why should her father influence her to say untruths about you ? A. Because the best friend of Conradshaus tried to get hold of my lodgings.

Q And you think that is sufficient reason for him to accuse you of murder ? A. I presume so.

THE LEGAL MEMBER: The word "murder" being in inverted commas ?

MAJOR TAYLEUR: I have no doubt the word "murder" has the same meaning in German as in English. I think the witness is probably more conversant with that than the laws and usages of war. (To the witness): Do you understand the word "murder" ? A. Yes, I understand it.

Q To sum the matter up, you say that you never touched any of the airmen ? A. No.

Q That you never saw anyone else strike them ? A. Where I was everything was lightning quick and I did not see anything.

Q You were on the bridge for seven minutes. During those seven minutes did you see anyone strike the airmen ? A. No.

Q Were all your efforts during those seven minutes directed to trying to save the airmen ? A. When I got to the bridge and shortly before I left the bridge.

Q What were you doing during the interval ? A. I stood next to the civilians on the side. I was only on the bridge about one minute when the three airmen were thrown over the parapet.

Q Did you hear anyone other than the unteroffizier urge the crowd to throw them over ? A. That I did not hear, but other exclamations.

Q Did you say anything to the crowd to make them desist ? A. No, I only said that to the non-commissioned officer.

MAJOR STONE: No re-examination.

THE LEGAL MEMBER: Whereabouts is your parents' house in relation to the bridge ? A. If I come down Mulheimerstrasse it is the right-hand side; it is a colony called Heimerdunck.

Q It is the same side of the bridge as the Kruppstrasse ? A. No, the Kruppstrasse is the main street.

Q The same side of the bridge as Kruppstrasse ? A. It is on the right side of the bridge; as you come from Wickenburg it is on the right-hand side.

Q How far away is your parents' house from the bridge ? A. 70 to 80 metres.

Q Can you see the bridge from your parents' house ? A. Yes, a little bit.

Q Why did you leave your parents' house ? A. Because my mother said to me: "You had better go to the bridge".

Q Did she tell you what was happening on the bridge ?

A. My mother only said to me: "Everybody is running towards the bridge; I wonder what is going on there. You had better go there."

Q Did your mother go with you ? A. No.

Q How long did it take you to get to the bridge ? A. Half a minute.

Q There were a lot of people on the bridge when you got there ? A. Yes, very many people.

Q Were they excited ? A. Yes, they were excited.

Q Were they shouting ? A. There were several shouting.

Q What were they shouting ? A. "That is not right, what they are doing with the airmen, if they would do that with our airmen."

Q Did you go across the bridge ? A. No.

Q Did you stay on the side that you approached the bridge from ?

A. I was first on the left side of the bridge and then I walked over to the right side of the bridge. Coming from Wickenburg I first got on to the right side and then I walked across to the left side of the bridge.

Q But did you cross over the bridge to the bank on the other side of the bridge ? A. No.

Q You were standing still for part of the time then ? A. Yes.

Q And you were watching ? A. I also looked down.

Q Were you watching the crowd ? A. I did not pay any special attention there because I was excited myself.

THE PRESIDENT: Do you want to ask any questions arising out of that ?

MAJOR TAYLOR: No.

MAJOR STONE: No.

(The Accused Kaufer leaves the place from which he has given evidence.)

THE PRESIDENT: Major Stone, I think this would be the most convenient time to call the witness Kaufer wants to call.

Frau RAGINA KAUFER is called in, and, having been duly sworn, is examined by Major STONE through the interpreter as follows :-

Q Is your name Frau Ragina Kaufer ? A. Yes.

Q Are you the wife of Karl Kaufer ? A. Yes.

Q Do you live at Mecklenburgstrasse 3, Essen ? A. Yes.

Q What is your age ? A. 37.

Q Do you remember the morning of the 13th December 1944 ? A. Yes.

Q Do you know the Wickenburg bridge ? A. Yes.

Q Did you at any time on that morning go to that bridge ? A. Yes.

Q Why did you go to the bridge ? A. Because a woman shouted: "There are English airmen who they want to throw over the bridge".

Q Did you go to the bridge alone ? A. No, together with my husband.

Q With anybody else ? A. No, only my husband and myself.

Q Did you see anybody on the bridge when you got there that you knew ? A. No.

Q What did you find on the bridge when you got there ?
A. Two English airmen were standing there with their arms up.

Q Why did they have their arms up ? A. They wanted to surrender.

Q Did you see any German soldiers on the bridge ? A. Yes.

Q What were they doing ? A. The German soldier threatened me because I had shouted: "Leave the British airmen alone".

Q Who were you telling to leave the British airmen alone ? A. To the soldier.

Q Which soldier was that ? Can you describe him ?
A. That was the soldier who had a rifle on his arm and was supposed to escort the airmen.

Q What was he doing that you told him to stop ? A. He was not doing anything at the moment.

Q What did you tell him to stop doing ? A. He should stop because these airmen probably also had wives and children and they were only doing their duty.

Q What was the soldier doing to the airmen ? A. At that moment he did nothing.

Q Was he saying anything ? A. The soldier incited the crowd to throw the airmen over the bridge.

Q Was that what you were trying to stop him doing ? A. Yes.

Q When you spoke to the soldier did the soldier do anything ?
A. He threatened me with the pistol and said: "You shut up, otherwise I will shoot you".

Q So what did you do then ?

MAJOR TAYLEUR: May I have one point of translation checked ? Did he say "pistol" ?

MAJOR STONE: Did the soldier have a pistol or a rifle ?

A. A pistol. I replied to the soldier: "If you will take the responsibility to shoot a mother with four children, well, you can do it".

Q Was your husband standing by while you were having this conversation with the soldier ? A. Yes.

Q Did he do anything about it ? A. My husband did nothing, he only defended.

Q Defended who ? A. He tried to stop them throwing the airmen over the bridge.

Q What did he do to try and stop them throwing the airmen over the bridge ? A. He pushed the German soldier aside and tried to wrench the rifle from him.

Q How many soldiers did you see on the bridge ? A. I only saw one soldier on the bridge.

Q Did this soldier have a rifle or a pistol ? A. A rifle.

Q Who then was the soldier who threatened you with a pistol ? A. That was the same soldier.

Q Did this soldier then have both a rifle and a pistol ? A. Yes.

Q He had both ? A. Both.

Q What happened when the soldier tried to push your husband away ?

A. Then the soldier hit my husband with the butt of the rifle across the chin.

Q So what did your husband do ? A. My husband did nothing.

Q Did your husband try to seize the rifle from the soldier ?

A. No, he tried to push with the rifle the soldier aside so that he could not get to the British airmen.

Q What were the civilians on the bridge doing ?

A. There were strangers who beat the airmen and also threw them over the bridge.

Q How many airmen, if any, did you see thrown over the bridge ? A. Two.

Q How many airmen all told did you see on the bridge ?

A. When I came on the bridge there were two airmen I saw and one was already thrown over the bridge.

THE LEGAL MEMBER: Does that mean two altogether or three altogether ?

A. I saw two.

MAJOR STONE: Did you see two airmen alive on the bridge ? A. Yes.

Q Did you also see another airman below the bridge ? A. No.

Q Did your husband at any time have anything whatever to do with the airmen ? A. No.

Q Did he say anything about them ? A. No.

Q Did he strike them ? A. No.

Q Had he any part in throwing them over the bridge ? A. No.

Q Was there anybody of your acquaintance apart from your husband who you saw on the bridge ? A. There was Edmund Hartmann on the bridge.

Q Or near the bridge ? A. Mrs. Hartmann and the daughter.

Q Anyone else ? A. Mrs. Fricke.

Q Is that all ? A. On the bridge, yes.

Q Or near the bridge ? A. Nearly half the colony where we live was near the bridge.

Cross-examined by Major TAYLOR.

Q How many people were actually on the bridge while the airmen were being thrown over ? A. Many people.

Q More or less than 50 ? A. More than 50.

Q How many of those were trying to attack the airmen ? A. There were not many.

Q Were any of them shouting anything out ? A. There were many amongst them who did not want this to happen.

Q Were any of them shouting out: "Throw the airmen over the bridge", or words to that effect ? A. There was only one man who shouted: "One should do that with them because my wife and my children are still lying under the debris".

Q Was that a civilian or a soldier ? A. A civilian.

Q How many civilians did you see beating them ? A. One.

Q Was that the same man ? A. The same man who also threw the body over the bridge.

Q Did one man throw the airman all by himself ? A. No, two or three.

Q What were the other civilians doing while that was going on ? A. They stood around and watched.

Q Did more people want to throw them over than wanted to stop them ? A. There were several people who wanted to stop them.

Q What I asked was did more people want to stop them or did more people want to throw them over ? A. More people wanted to stop them.

Q Then if more people wanted to stop them, why were they thrown over ? A. They did not dare to go near, they only said that, and my husband was the only man who got into an argument with the soldier.

Q Was there only one soldier ? A. I only saw one soldier.

Q Were all the rest afraid of that one soldier ? A. A policeman also appeared on the scene and the policeman said: "I cannot do anything, this is only something to do with the Wehrmacht".

Q Was your husband's argument with the soldier before or after the airmen were thrown over the bridge ? A. Before they were thrown over the bridge.

Q Did you hear any shots fired ? A. I was still with my husband on the bridge when I heard people shouting: "They are trying to escape, shoot at them".

Q Did you see anyone shoot at them ? A. The soldier shot at the airman.

Q Did your husband try and get the rifle away from him then ? A. No.

Q How close was he to the soldier when he shot ? A. Quite a good way away from the soldier when he fired the shots.

Q Do you know Johann Braschoss ? A. Yes.

Q Did you see him on the bridge ? A. He was not involved, otherwise I would have seen that.

Q I asked if you saw him on the bridge ? A. No.

Q Did you see him near the bridge ? A. Also not.

Q Do you know Fritz Conradshaus ? A. Yes.

Q Did you see him on the bridge ? A. Yes.

Q Were you close to your husband the whole time he was on the bridge ? A. Yes.

Q If Fritz Conradshaus spoke to your husband on the bridge how could you account for the fact that you did not see him ? A. Fritz Conradshaus could not have been on the bridge because he was tiling his roof.

Q How do you know he was tiling his roof ? A. The sister-in-law of Fritz Conradshaus said: "My brother-in-law cannot say anything, he was on the roof of the house tiling".

Q Would it surprise you to know that both Fritz Conradshaus and his daughter, Annemarie Conradshaus, were on the bridge ?
A. The wife was not on the bridge at all; she was standing in front of her house, because after this incident happened I spoke to the daughter of Fritz Conradshaus.

Q If Annemarie Conradshaus and Fritz Conradshaus have both said on oath in this Court that they were on the bridge, are they both lying ?

THE LEGAL MEMBER: Will you make quite sure that Mrs. Conradshaus is not also called Annemarie ?

MAJOR TAYLEUR: If Fritz Conradshaus and his daughter Annemarie Conradshaus both say that they were on the bridge, are they lying ? A. Yes; I cannot say that, I can only say what the sister-in-law told me; I did not see Fritz Conradshaus.

Q Do you say on oath that your husband did not have an argument with the soldier after the bodies were thrown over the bridge ?
A. No, we went away.

Q Would it surprise you to know that your husband has just said on oath that he did ?

MAJOR STONE: I would like that checked.

THE LEGAL MEMBER: Will the shorthand writer read out his note.

(The shorthand writer reads the following extracts from the evidence of the Accused Kaufer (p.20 of this volume):
"(Major Stone): When you reached the bridge what did you find happening there?" etc. (reading to the words) "(Q) What did you do then? (A) The soldier obviously wanted to hit me again, and then I got hold of the barrel of the rifle and I was not struck again." (P.23): "(Major Tayleur): Do you remember Fritz Conradshaus describing the incident in which you tried to take the rifle from the unteroffizier? (A) Yes" etc. (reading to the words) "(Q) What happened then ? (A) The non-commissioned officer refused and then I left the bridge.")

MAJOR TAYLEUR: Would it surprise you to know that your husband has just said that he had an argument with the soldier after the bodies were thrown over the bridge ? A. No, that cannot be.

Q So if he says that he did he is lying, is he ? A. I said to my husband ---

Q Will you give me an answer Yes or No to my question first and then add anything you wish to ? A. That I cannot say.

Q If you were, as you have just told us you were, standing by your husband's side the whole time he was on the bridge you must know, must you not, whether he had an argument with the soldier ? A. It could be that my husband and I were separated for a short time, that some people might have stood between us, but I was always on the bridge together with my husband.

Q Could he had spoken to people and had arguments with people without your knowing it ? A. It is possible that I did not understand everything because I do not hear very well.

MAJOR STONE: No re-examination.

THE WITNESS: I would like to say something.

THE LEGAL MEMBER: What do you wish to say ? A. I would like to speak about Fritz Conradshaus.

THE PRESIDENT: Major Stone, would you like to have an opportunity of speaking to her ?

MAJOR STONE: Yes.

(At 1620 hours the Court is closed.

At 1630 hours the Court re-opens.)

(The Accused are again brought before the Court.)

THE LEGAL MEMBER: Major Stone, the Court has decided that it does not wish to ask the last witness any more questions. Do you wish us to put any questions on your behalf ?

MAJOR STONE: No, I do not.

THE ACCUSED JOHANN BRASCHOSS takes his place at the witness-stand, and, having been duly sworn, is examined by Major STONE through the interpreter as follows :-

Q Is your name Johann Braschoss ? A. Yes.

Q What is your age ? A. 46.

Q Do you remember the morning of the 13th December 1944 ? A. Yes.

Q Do you know the Wickenburg bridge ? A. Yes.

Q Were you on that bridge at any time during that morning ? A. Yes.

Q Why did you go there ? A. On the morning of the 13th December I was in my house and looking for some tiles on the top floor, and I tried to pick out the tiles which were not destroyed by the air raid.

Q Why did you go from your house to the bridge on that day ?
A. I want to say how this happened.

Q I am asking you why did you go to the bridge ?
A. My niece was calling from the first floor of the house: "On the bridge there are soldiers with rifles and a big crowd".

Q So what did you do ? A. Then I came down from the top storey of my house

to the first floor of my lodgings and I looked through the window to see if this was true.

Q Was it ? A. Yes.

Q What did you see ? A. Then I went to the bridge to see what was going on.

Q Could you see anything from your house before you went to the bridge ? A. Yes

Q What did you see before you left your house ? A. Before I left the house I saw from a window that a large crowd was moving on the bridge to and fro.

Q Then did you go down to the bridge yourself ? A. Then I left the house and went to the bridge.

Q What did you find when you got to the bridge ? A. When I arrived at the bridge I saw about 4 to 5 metres from the beginning of the bridge on the pavement two airmen standing with their arms up in the air.

Q Do you know why they had their arms in the air ?

A. In front of the airmen there was a soldier with a rifle.

Q Would you know that soldier if you saw him again ? A. I think yes.

Q Is he in the Court now ? A. No.

Q Did you see any other Allied airmen as well as these two ?

A. No, only these two.

Q What were all the civilians doing on the bridge ? A. I was standing behind a non-commissioned officer and there were very many people on the bridge moving to and fro, and then suddenly a man came along on a bicycle.

Q What did he do ? A. The man got off his bicycle shortly before he got to the two airmen, took his walking stick and hit one of the two airmen, who was a small fair-haired man.

Q What happened then ? A. Shortly after this happened there was a scuffle and then very quickly the airman was thrown over the parapet of the bridge.

Q Do you know who threw the airman over the parapet ? A. No.

Q How many people threw him over the parapet ? A. It would be three or four, and around the airmen there were about 25 to 30 people.

Q Could you see the airmen being thrown over clearly ?

A. There were so many people and it happened so quickly that he was thrown over the parapet.

THE LEGAL MEMBER: Does that answer your question ?

MAJOR STONE: I take that to mean that he could not see clearly.

(To the witness): What was happening to the other airman meanwhile ?

A. After the smaller of the two airmen had been thrown over the bridge the other airman, who was taller and dark-haired, ran away for just a few metres.

Q What happened when he ran away ? A. When the other airman ran away the soldier who carried the rifle said: "Stand by, I will shoot", and then he shot at the airman who tried to run away.

Q Did he hit the airman ? A. I presume so.

Q Why do you presume so ? A. Because when the airman ran away he sort of supported himself by the bridge, but I was quite far away so I could not see clearly, and as he supported himself I think he was hit.

Q What happened then to that airman ? A. And then the other airman was also thrown over the parapet.

Q By "the other airman" do you mean the one the soldier had just shot ? A. Yes.

Q Who threw that airman over the parapet ? A. That I cannot say, as the distance was too far to see clearly.

Q Was it one man or more that did it ? A. One man; a tall strong man.

Q Where had you been standing during the time these two airmen were thrown over the bridge ? A. When the first airman was thrown over the parapet I stood behind the soldier who was guarding or escorting the two airmen.

Q And when the second one was thrown over ? A. I was still standing on the same spot.

Q Were there many civilians standing close to you ? A. No, not close to me.

Q How many civilians were there on the bridge altogether ? A. Approximately 150 or 170; it could also have been more.

Q Where were all these people ? Were they close to the airmen ? A. No.

Q None of them ? A. When the first airman was thrown over the bridge there were perhaps 25 to 30 people standing around and later there was a continuous to and fro of the crowd on the bridge.

Q Was anything done to either of the two airmen before they were thrown over the bridge ? A. As I have already said, the smaller of the two airmen was hit several times by the man on the bicycle with the walking stick.

Q Did anybody hit the larger of the two airmen ? A. No.

Q What happened after both these airmen had been thrown over ? A. After the second airman had been thrown over the bridge the soldier walked on the pavement and as far as I could see he shot down in the stream at the airmen lying down there.

Q That is at the second airman ? A. Yes, at the second, the one who tried to escape.

Q How many times did he fire ? A. Twice.

Q What did you do then ? A. Then I walked along the bridge and I looked down the embankment where the soldier had shot at the second airman.

Q And then ? A. There was a soldier which I had formerly seen on the bridge, but as far as I can make it out this soldier did not belong to the escort.

Q What was this soldier doing ? A. This soldier and two civilians were standing below next to the airman who was dead.

Q Have you ever seen that soldier since ? A. No, never.

Q Do you know who either of the two civilians were who were standing by the body ? A. No, they are both perfect strangers.

Q What did you do then ? A. Then I went down to the dead airman.

Q Why did you do that ?, A. I wanted to see what would happen further to him.

Q What did you find when you got down below the bridge ? A. When I was down below the bridge I saw the dead airman lying and he was shot in the head.

Q Is this dead airman the one you have previously described as the second airman ? A. As the second airman, the one who tried to escape.

Q Did you see any more airmen below the bridge ? A. They were lying there before; I only went down to the second one.

Q By "the other airman" do you mean the one the soldier had just shot ? A. Yes.

Q Who threw that airman over the parapet ? A. That I cannot say, as the distance was too far to see clearly.

Q Was it one man or more that did it ? A. One man; a tall strong man.

Q Where had you been standing during the time these two airmen were thrown over the bridge ? A. When the first airman was thrown over the parapet I stood behind the soldier who was guarding or escorting the two airmen.

Q And when the second one was thrown over ? A. I was still standing on the same spot.

Q Were there many civilians standing close to you ? A. No, not close to me.

Q How many civilians were there on the bridge altogether ? A. Approximately 150 or 170; it could also have been more.

Q Where were all these people ? Were they close to the airmen ? A. No.

Q None of them ? A. When the first airman was thrown over the bridge there were perhaps 25 to 30 people standing around and later there was a continuous to and fro of the crowd on the bridge.

Q Was anything done to either of the two airmen before they were thrown over the bridge ? A. As I have already said, the smaller of the two airmen was hit several times by the man on the bicycle with the walking stick.

Q Did anybody hit the larger of the two airmen ? A. No.

Q What happened after both these airmen had been thrown over ? A. After the second airman had been thrown over the bridge the soldier walked on the pavement and as far as I could see he shot down in the stream at the airman lying down there.

Q That is at the second airman ? A. Yes, at the second, the one who tried to escape.

Q How many times did he fire ? A. Twice.

Q What did you do then ? A. Then I walked along the bridge and I looked down the embankment where the soldier had shot at the second airman.

Q And then ? A. There was a soldier which I had formerly seen on the bridge, but as far as I can make it out this soldier did not belong to the escort.

Q What was this soldier doing ? A. This soldier and two civilians were standing below next to the airman who was dead.

Q Have you ever seen that soldier since ? A. No, never.

Q Do you know who either of the two civilians were who were standing by the body ? A. No, they are both perfect strangers.

Q What did you do then ? A. Then I went down to the dead airman.

Q Why did you do that ?, A. I wanted to see what would happen further to him.

Q What did you find when you got down below the bridge ? A. When I was down below the bridge I saw the dead airman lying and he was shot in the head.

Q Is this dead airman the one you have previously described as the second airman ? A. As the second airman, the one who tried to escape.

Q Did you see any more airmen below the bridge ? A. They were lying there before; I only went down to the second one.

Q Who is "they" who were lying there before ? A. The two who had been thrown over the parapet before the last airman was thrown over.

Q Were they thrown over the parapet while you were on the bridge ? A. No, whilst I was on the bridge only the smaller fair-headed one and the one who tried to run away; about the other man I do not know anything.

Q Did you see anything else below the bridge besides the three dead airmen, the soldier and the civilians ? A. No, I have not seen anything else.

Q What was the soldier doing below the bridge ? A. The soldier below the bridge had got hold of the hands of the airmen and tried, as I assumed, to perhaps get hold of the pullover or something else.

Q What were the two civilians doing ? A. They were standing a bit back behind the soldier.

Q After you had seen all this what did you do yourself ? A. After I had seen that I said to the soldier and to the two civilians: "You cannot do that, you cannot take anything away, this would be desecrating the dead".

Q Did they make any reply to that ? A. The soldier replied: "That is none of your business".

Q Did the soldier and the civilian do anything then ? A. They threw the dead body in the stream.

Q What did you do then ? A. I was not involved in this.

Q What did you do after you had seen that happen ? A. Then I went up to the bridge and I went home.

Q When you came down to the bridge in the first place did you have anything in your hands ? A. No.

Q Do you normally walk with a stick ? A. Yes.

Q Did you not have your stick with you that day ? A. No, I did not have my stick with me.

Q Whilst you were on or below the bridge did you see anybody that you recognised ? A. On the bridge, yes.

Q Who did you see there ? A. My son.

Q Anybody else ? A. Otherwise I did not see anybody I know.

Q Do you know Kaufer ? A. Yes.

Q Did you know him before this incident ? A. Yes.

Q Did you see him on the bridge ? A. I did not see Mr. Kaufer on the bridge, as the witnesses said.

Q Would it be possible for you to fail to see people on the bridge even if you did know them ? A. What does it mean to say, possible ? I did not watch that or look at that properly; if I knew that I would be here today I would have had a better look.

Cross-examined by Major TAYLOR.

Q How long were you on the bridge altogether ? A. I was on the bridge, it could have been a few minutes, until the first incident happened.

Q How long were you from the first moment when you set foot on the bridge until you went underneath it ? A. I cannot say that because I did not look at my watch; possibly five to six minutes, because everything happened very quickly.

Q Were there a lot of people on the bridge ? A. Yes, as I have already said, about 150 or 170, perhaps even more.

Q How many of those were attacking the airmen ? A. What I saw was that 25 to 30 people threw the smaller of the two airmen over the bridge.

Q How many people did you actually see striking either of the airmen ? A. The man on the bicycle, and if there were any amongst the 25 or 30 people in this riot I could not see.

Q So during that seven minutes you can only say with certainty that one man struck the airmen ? A. Yes, only one, the man on the bicycle, which I saw and to which I can swear.

Q Were the crowds uttering threats against the airmen ? A. It has already been said in this Court that after this air raid the people were all very excitable and excited.

Q Will you answer my question; did any of the crowds make threats against the airmen ? A. Not that I know of.

Q Not once during the seven minutes you were on the bridge ? A. Not that I know of during the seven minutes that I was on the bridge; the people were always running to and fro and were very excited.

Q What were they doing when they ran to and fro ? A. They were pointing in one direction and another direction and they ran to one part of the bridge and another part of the bridge; there was a continuous movement.

Q What for ?, A. That I do not know.

Q What were the airmen doing while the crowd were running backwards and forwards from one side of the bridge to the other ? A. Both airmen were standing with their arms up.

Q Do you know a youth named Heinz Lober ? A. This youth I saw the first time when I was arrested on the 15th July.

Q Did you hear him say on oath in this Court yesterday that he saw you beating the airmen ? A. Yes, I heard that.

Q Is that untrue ? A. That is not correct. It must have been somebody else.

Q You walk with a limp, do you not ? A. Yes, today still.

Q You are rather a conspicuous character when you are walking, are you not ? A. Yes, I presume so; the people say so.

Q Do you think it is likely he might have made a mistake about it ? A. He must have made a mistake, because when I arrived at the bridge there were only the two airmen, and this youth said he saw that from the window of his house.

Q Did you hear Inge Lober say also that she saw you beating the airmen ? A. Yes.

Q Is she also mistaken ? A. I have no explanation why these two gave evidence which is not correct.

Q Did you hear Fritz Conradshaus say that you beat the airmen ? A. I also heard that.

Q And his daughter, Annemarie Conradshaus ? A. I also heard that.

Q Did you also hear the sworn statement made by Edmund Hartmann read, in which he said that you beat the airmen ? A. He did not say that directly, he only said that he saw me.

Q Are all those five people either mistaken or telling an untruth ?
A. I cannot do anything against this denouncing. I have no explanation. I carried no stick with me.

Q Did you hear Anna Fricke say that you had your stick with you ? A. Yes, I also heard that.

Q She was mistaken too ? A. Yes, she must have made a mistake. I carried no stick with me. I am telling the full truth.

Q If you normally walk with a stick why did not you have one with you that morning ? A. It was only a short distance and I had no intention to take a stick with me as I did not know whether I would be away for a long time or a short time.

Q Did you hear Fritz Conradshaus say that you were concerned in throwing one of the bodies into the stream and that you asked him to help you ?
A. I did not speak to Fritz Conradshaus; it was the first time I saw him on the 15th July, together with the two Lobers.

Q Do you know him ? A. I only got to know him when I saw him for the first time on the 15th July.

Q What were your feelings when you saw a crowd attacking these airmen ?
A. Regarding my feelings, I can say that I was myself a soldier, I was shot through both my feet and it would have been impossible for me either to beat these airmen or throw them over the bridge.

Q Were a lot of the crowd in sympathy with the airmen ?
A. There were a few amongst the crowd who had sympathy for the airmen.

Q Were there more people attacking them than wanted to save them ?
A. I have already said that there were only about 25 to 30 people around the fair-haired airman and more people were not near the two airmen.

Q Did you see anyone try to prevent the people attacking the airmen ?
A. I only saw it from the face of some people and the women, who merely cried but who could not do anything.

Q If your feelings were what you have just told us, why did not you as an old soldier do something to protect them ? A. I could not do anything as I am myself not steady on my feet and because the crowd after the air raid were very excited and very indignant, and probably I would have suffered if I had showed any sympathy.

Q So you did not show any sympathy ? A. Of course if I had no ^{doing} sympathy I could have also done something to these airmen, or taken part in something to these airmen.

Q And according to five witnesses the part you took was to beat them; is that untrue ? A. I did not beat the airmen; I am telling the full truth.

Q Were you a member of the Nazi party ? A. Yes; but that does not say that I must beat the airmen because I was a member of the Nazi party.

Q As a member of the Nazi party had you ever heard of what was known as the Terrorflieger order ? A. Yes, I have heard that.

Q What was that order ? A. The orders were that all Germans must know - as far as I know it was also broadcasted - that in fact these terror airmen could not be protected.

Q That was in fact an incitement to the peoples of bombed towns to lynch captured airmen, was it not ? A. That was not an order to lynch the airmen but was that the Government said that in future they could not protect the airmen in a proper manner.

Q If the Government issues an order that its soldiers will not protect captured airmen, is not that an invitation to the crowd to lynch them ?
A. If the Government broadcasts such an order, it is not necessary that the population must obey this order or do so.

Q When the Nazi party issued an order was it not generally obeyed by the population ?
A. If orders were sensible, yes, but I do not think in such a case when such orders were given that they would be.

Q That was an official order of the Nazi party, was it not ?
A. No, of the Government.

Q Did the members of the Nazi party not obey Government orders ?
A. That I cannot say; I do not know.

Q Did you obey Government orders ?
A. If they were not against the rights of mankind or if they were something which was punishable.

Q Were the Nazi party particularly concerned with the rights of mankind ?

THE LEGAL MEMBER: I think that is more a matter of opinion.

MAJOR TAYLEUR: As a member of the Nazi party I think he is entitled to express one.

THE LEGAL MEMBER: Why not put it to him that as a member of the Nazi party did he, and so on ?

MAJOR TAYLEUR: As a member of the Nazi party were you particularly interested in the rights of mankind ?
A. Yes, I did not do any wrong in my whole life.

Q Was this Terrorflieger order known to all the populace ?
A. That I do not know; presumably yes, because it was broadcast.

Q So the people at large would know that if they saw airmen escorted by a military escort the escort would not interfere if they attacked them ?
A. I do not want to say that.

MAJOR STONE: No re-examination.

THE PRESIDENT: When was it first broadcast that Allied airmen could not be protected ?
A. That I do not know; I did not hear it myself on the radio; it is just a rumour that I heard.

Q When did you first come to hear about the order ?
A. About the middle of last year; it might be in the autumn of last year. I did not hear it on the radio.

THE LEGAL MEMBER: You went below the bridge after the airmen had been thrown over the bridge ?
A. Yes.

Q Did you go close up to the body then and have a good look at it ?
A. Yes; only to the one who tried to run away.

Q You went right up to it ?
A. Yes, right up to it; I saw it in front of me.

Q Were there other people there as well ?
A. The soldier and two civilians, and the soldier had a slight limp.

Q Were they, the soldier or either or both of the civilians, robbing the body ?
A. When I was there, not; I said to the soldier who got hold of the pullover of the dead airman: "You cannot do that, it would desecrate the body".

Q Do you remember Frau Giese giving evidence ?
A. Yes.

Q Do you remember she said she met you at the bridge ?
A. Yes, when I was on my way home.

Q Do you remember that she said that you said something to her ?
A. It is such a long time ago that I cannot remember, but she said something.

Q She said that you said: "Do not touch the little parcel or the wallet on the bridge" ?
A. I did not see a parcel. I was very astonished there was supposed to be a parcel; I did not see a parcel.

Q Did you not say to her that the people were going to rob the bodies ?
A. No.

Q Do you remember that she also said that you had a stick in your hand ?
A. Yes, I know that.

Q All this happened a long time ago, did it not ?
A. One year ago.

Q Are you quite sure that your memory is not wrong ?
A. My memory was hitherto always very good.

THE PRESIDENT: Do you wish to ask anything arising out of that ?

MAJOR TAYLEUR: No.

MAJOR STONE: No.

(The Accused Braschoss leaves the place from which he has given evidence.)

(At 1730 hours the Court is adjourned until 1015 hours tomorrow, Friday, 21st December, 1945.)